

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**BARBARA BROWN**

**PLAINTIFF**

**VS.**

**4:08CV00089-WRW**

**J.B. HUNT TRANSPORT SERVICES, INC.**

**DEFENDANT**

**ORDER**

Pending is Prudential Insurance Company of America's Motion to Intervene (Doc. No. 6). Prudential asserts that "under the terms of the Group Insurance Contract and ERISA Statement, Prudential has discretion to make eligibility determinations for disability benefits, and Prudential pays any benefits due."<sup>1</sup> Prudential attached a copy of the Group Insurance Contract and ERISA Statement, both of which appear to support its position.<sup>2</sup>

In response, Plaintiff, without any supporting evidence, asserts that "Defendant is the plan administrator in this matter . . . [and] is the proper party to sue, unless the Intervenor is the de fact [sic] plan administrator."<sup>3</sup>

For good cause shown, Prudential Insurance Company of America's Motion to Intervene (Doc. No. 6) is GRANTED.

IT IS SO ORDERED this 2<sup>nd</sup> day of April, 2008.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 6.

<sup>2</sup>Doc. No. 6, Exs. 1, 2.

<sup>3</sup>Doc. No. 12.